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UNCLAS MAPUTO 001406

SIPDIS

SENSITIVE

STATE FOR AF/S AND AF/FO

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SUBJECT: ELECTION OBSERVER ACCESS STILL UNRESOLVED

REF: MAPUTO 1371

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1. (SBU) Summary: The EU and the National Elections Commission continue to disagree over the access of observers to provincial and national vote tabulations. The head of the EU's observer mission told a press conference that without access to the tabulations, the EU would not be able to give credibility to the electoral process. There are reports of some progress at technical levels, but we do not expect a resolution in the next week. The EU may wind up with some but not all of the access it is seeking. End Summary.

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2. (U) Tension continues between the European Union (EU) and the FRELIMO-controlled National Elections Commission (CNE) over election observation guidelines. The main sticking point remains observer access to the provincial and national vote tabulations; presence at the initial tabulation at the polling places has been agreed. Visiting EU election observer mission chief Jose Javier Pomes took an optimistic stance during an October 18 press conference, claiming confidence that a resolution would be forthcoming and stating that the EU and CNE were working out a way to secure the EU's presence at the provincial and national tabulation stages. Pomes asserted that the EU's acceptance of the GRM's invitation to observe this year's elections was based upon access to all stages of the electoral process. Reiterating an October 15 EU statement, Pomes said that without this access, the EU would not be able to confer credibility to the electoral process. In an earlier statement, the Johannesburg-based Electoral Institute of Southern Africa (EISA), which has developed principles for election organization and observation in the SADC region, was also critical of the CNE's position, warning that failure to allow observers access to all stages of the election process would reflect poorly on the credibility of the elections.

3. (SBU) There are a few encouraging signs. The EU and the CNE continue to talk. In those discussions, though not in public, the CNE appears to have stopped claiming that allowing observers would violate Mozambican law. The CNE now says observers and journalists will be able to view the final tabulation stage from outside the data processing room through a window. We also understand that the CNE plans to allow observers and journalists to view a computer monitor showing data entry; this was done in 1999 and did not satisfy RENAMO.

4. (SBU) However, EU country diplomats fear that the CNE - controlled by its FRELIMO party majority - may not allow complete transparency. The Dutch ambassador and the UK high commissioner told the Ambassador October 20 that, although there were openings in negotiations with the CNE, the issue was far from being resolved. The UK high commissioner feared that this dispute would be followed by others. The Dutch ambassador did not expect the EU to sign a memorandum of understanding with the CNE but said that it would send its observation team, some of whom have already arrived to view the campaign, to the field regardless. The EU will rely on a separate MOU with the foreign ministry that gives accredited individuals observer status.

5. (SBU) At an October 21 donor meeting, EU Deputy Chief Observer Aida Maria Aragao said the CNE had stepped back from its categorical denial of observer access to the provincial and national tabulation stages, but she discounted a recent press report that the CNE had reversed its decision entirely. The Carter Center reported at the same event that it has not reached agreement on the MOU it has been negotiating at the provincial level, which would include observer access to vote tabulation. The Center, which has been silent on the issue, expects to make a formal statement in the next few days.

6. (SBU) Comment: While the two sides are still searching for a way to resolve the issue, we do not expect an agreement in the next week or so. President Chissano has stepped back from his initial public statement last week that he had instructed the CNE to resolve the issue; he has since emphasized to the press instead the need for the EU to respect Mozambican laws. We believe the two sides may eventually agree on some form of partial access that is less than what the EU is currently seeking. End Comment.

